

Decision Notice
& Finding Of No Significant Impact
Indian Creek Road Reconstruction Project

USDA Forest Service
Salmon-Challis National Forest
North Fork Ranger District
Lemhi County, Idaho

I. BACKGROUND

The USDA Forest Service has prepared an Environmental Assessment (EA) for the Indian Creek Road Reconstruction Project. The EA is available for public review in the Supervisor's Office in Salmon, Idaho, at the North Fork Ranger District in North Fork, Idaho, or on the Internet at www.fs.fed.us/r4/sc/projects. The EA documents the environmental analysis that was completed and discloses the environmental effects of the proposed actions and alternatives to those actions and is hereby incorporated by reference. Development of this EA is in accordance with the requirements of the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA) and the Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508.

The project includes the reconstruction of a new road prism east of the existing washed out section of the Indian Creek road to help restore motorized access on the Indian Creek road to both public and private land within the drainage. The Deciding Official for this project is Terry Hershey, Acting District Ranger.

II. DECISION

This Decision Notice and Finding of No Significant Impact (DN/FONSI) documents my selection of management activities and connected actions for the Indian Creek Road Reconstruction Project as described under Alternative B, in the EA. My decision allows reconstruction of the washed out segment of road on National Forest System lands and clearly indicates my desire to maintain motorized access on the Indian Creek Road. However, in addition to this needed road reconstruction, there are also a number of road bridges on private land and on National Forest lands that will eventually need maintenance or replacement. A bridge on private land is already suspected to be at risk to failure with normal traffic loads. Before I commit public funds to implement the reconstruction project, I will develop an agreement with Lemhi County on overall responsibility and potential cost shares (both on private land and on National Forest System land) for the road from its junction with the Salmon River Road to McConn Creek. The Idaho Supreme Court decision, December 27, 2002, did not bring true clarity to this issue. Implementation of my decision is contingent upon the availability of funding for road reconstruction and reaching a negotiated longterm cooperative agreement with Lemhi County with respect to effective maintenance and reconstruction of the Indian Creek road to assure public access.

The maps and engineering drawing attached to this DN identify the location and road reconstruction design for this decision. This decision is tiered to and implements the Salmon National Forest Land and Resource Management Plan (Forest Plan).

Decision Summary

In summary, this decision includes:

1. Road Reconstruction Design Criteria

- A newly constructed road prism, approximately 1160 feet in length and 14 feet in width, located within 6 feet to 300 feet of Indian Creek.
- Approximately 6CCF (hundred cubic feet) of timber ranging from pole to small saw-log size will be removed along the estimated 0.8 acre of road clearing limits. Trees removed will be used on-site as sediment barriers, and in future district fisheries instream restoration projects.
- A filter slash windrow will be constructed at the toe of the road fill slope. Felled trees from the right-of-way clearing will be placed against standing trees below the new road to create an anchor point for the slash windrow. Felled trees will be limbed on one or two sides so that there is good ground contact. Limbs and brush will be placed upslope behind the anchor tree to help trap and minimize road sediment delivery to Indian Creek
- In locations where there are no standing trees to anchor the slash windrow an alternate physical barrier, such as coir logs or straw waddles, will be installed to trap sediments from the disturbed area.
- There also will be approximately 75 cubic meters of bank protection using Class 3 riprap material (11 pounds to 330 pound rocks) to protect approximately 175 feet of streambank in the upper reaches of the road washout.
- An estimated 200 cubic yards of borrow material will be removed from the rise in the existing road between the washout and the next stream crossing at the upper end of the project area. This will be used for reconstruction of the new road prism. The cut in the road rise would be approximately 3 feet in depth, 75 feet in length and 24 feet wide. The removal of the fill material will create a small road turnout.
- Cut and fill slopes will be seeded with a native seed mix and mulched with a weed-free straw.

The actions implemented through this decision will adhere to applicable Forest-wide Standards and Guidelines (Forest Plan, pages IV-6 through IV-79). Additional direction from Regional guides, Forest Service manuals and handbooks, Best Management Practices (BMP), and ID Team specialist reports was also considered in designing the project and is specified in the EA on pages 2-2. The following specific mitigation measures are part of the action alternative:

- All new noxious weed infestations associated with implementation will be treated.
- Herbicides will be applied for weed control before and after implementation within the project area.

- Weed spraying will be delayed on seeded areas until the vegetation has had one full growing season.
- All equipment will be cleaned before working off road.
- Any fuel will be stored outside of PACFISH/INFISH Riparian Habitat Conservation Areas (RHCA). Containment will be provided.

Prior to making this decision I carefully considered consistency with the Forest Plan, relationship to environmental concerns and public comments, and compatibility with county and private landowner access needs. I believe my decision will help to restore motorized throughway on the Indian Creek road to both public and private land within the drainage. I believe my decision will also:

1. Meet the direction of the Idaho Supreme Court Ruling, December 27, 2002. The Idaho Supreme Court ruling determined the Indian Creek Road was a public road, was not abandoned prior to 1963 and reversed the decision of the district court that determined the Indian Creek Road is not a public road.
2. Provide public land access for recreation, hunting, fishing, and firewood gathering.
3. Provide more direct and longer seasonal access to 500 acres of private land in holdings along the Indian Creek Road allowing for more timely seasonal delivery of needed supplies to private landowners and restoring more immediate emergency medical and law enforcement services.
4. Provide Forest Service and county motorized road access for administrative purposes, including wildfire suppression and search and rescue, to National Forest System Lands in upper Indian Creek.

2. **Site-specific Monitoring:**

Monitoring will be conducted to ensure that implementation is consistent with Forest Plan standards and guidelines, as well as project design features, mitigation measures and objectives.

Specific monitoring requirements identified in the Forest Plan applicable to project implementation include:

- ✓ Anadromous and resident fish habitat quantity and quality (page V-6)
- ✓ Compare soil erosion for various forest practices (page V-9)
- ✓ Ground disturbing activities with potential to alter soil productivity (page V-9)
- ✓ Changes in water quality due to land management activities (page V-10)

In addition, before implementation the project area will be monitored for any potential reproductive activities of all aquatic and terrestrial Endangered Species Act listed species, R4 Regional Forester's sensitive species, and Forest Plan Management Indicator Species.

3. **Determination of whether or not an EIS is necessary:** I have determined that there are no significant impacts associated with this project as documented in Section VII of this decision document, therefore an Environmental Impact Statement will not be prepared (DN/FONSI, pages 10 - 12).

III. OVERVIEW OF THE DECISION AREA

The Indian Creek Road Reconstruction analysis area is located on the North Fork Ranger District, Salmon-Challis National Forest, approximately 10 miles west of North Fork, Idaho. The proposed project activities are located about three miles north of the Salmon River Road, with a project area legal description of T 24 N, R 20 E, section 6, Boise principal meridian Lemhi County, Idaho. The project area falls within Management Area 4A.

The Forest-wide goals and objectives within the project area are:

- MA 4A (Forest Plan, pages IV-110 to IV-112) emphasizes managing key big game winter range to insure required forage and cover conditions exist to meet big game needs. Roaded natural recreation opportunities can be provided if managed to prevent unacceptable stress to big game animals during the primary use period.

IV. PURPOSE AND NEED

The Purpose and Need for this project is to restore motorized access on the Indian Creek road to both public and private land within the drainage.

The following specific needs have been identified:

1. Meet the direction of the Idaho Supreme Court Ruling, December 27, 2002. The Idaho Supreme Court ruling determined the Indian Creek Road was a public road, was not abandoned prior to 1963 and reversed the decision of the district court that determined the Indian Creek Road is not a public road.
2. Provide public land access for recreation, hunting, fishing, and firewood gathering.
3. Provide more direct and longer seasonal access to 500 acres of private land in holdings along the Indian Creek Road allowing for more timely seasonal delivery of needed supplies to private landowners and restoring more immediate emergency medical and law enforcement services.
4. Provide Forest Service and county motorized road access for administrative purposes, including wildfire suppression and search and rescue, to National Forest System Lands in upper Indian Creek.

V. SUMMARY OF ALTERNATIVES CONSIDERED

In deciding what management actions to implement, I fully considered one "action" alternative and the "no action" alternative. These two alternatives provided a reasonable range of alternatives to consider based upon the issues identified and the scope of the proposal. In addition, five alternatives were considered but not analyzed in detail (EA, pages 2-4 to 2-5). The following discussion summarizes the alternatives considered in detail.

Alternative A: Alternative A is the no-action alternative. This alternative is required and serves as a baseline to measure environmental effects if no management changes were implemented. The no-action alternative represents the status quo for the project area. The no-action alternative would not restore motorized access on the Indian Creek road to the public, the private landowners in the drainage and Forest Service administrative use. Indian Creek road would remain washed out at approximately milepost 3.0. Road access to private and public lands above the washout would be provided from the East Fork of Indian Creek road. Natural processes and occurrences would continue.

Alternative B: This alternative was developed as the Proposed Action to restore motorized access on the Indian Creek road to the public, the private landowners in the drainage, and to Forest Service administrative use.

This alternative repairs the Indian Creek road washout by constructing a new road prism east of the washed out section of the Indian Creek road (EA, Figure 2.1, page 2-3).

- A newly constructed road prism, approximately 1160 feet in length and 14 feet in width, located within 6 feet to 300 feet of Indian Creek.
- Approximately 6CCF (hundred cubic feet) of timber ranging from pole to small saw-log size will be removed along the estimated 0.8 acre of road clearing limits. Trees removed will be used on-site as sediment barriers, and in future district fisheries instream restoration projects.
- A filter slash windrow will be constructed at the toe of the road fill slope. Felled trees from the right-of-way clearing will be placed against standing trees below the new road to create an anchor point for the slash windrow. Felled trees will be limbed on one or two sides so that there is good ground contact. Limbs and brush will be placed upslope behind the anchor tree to help trap and minimize road sediment delivery to Indian Creek.
- In locations where there are no standing trees to anchor the slash windrow an alternate physical barrier, such as coir logs or straw waddles, will be installed to trap sediments from the disturbed area.
- There will also be approximately 75 cubic meters of bank protection using Class 3 riprap material (11 pounds to 330 pound rocks) to protect approximately 175 feet of streambank in the upper reaches of the road washout.
- An estimated 200 cubic yards of borrow material will be removed from the rise in the existing road between the washout and the next stream crossing at the upper end of the project area. This will be used for reconstruction of the new road prism. The cut in the road rise would be approximately 3 feet in depth, 75 feet in length and 24 feet wide. The removal of the fill material will create a small road turnout.
- Cut and fill slopes will be seeded with a native seed mix and mulched with a weed-free straw.

The actions implemented through this decision will adhere to applicable Forest-wide Standards and Guidelines (Forest Plan, pages IV-6 through IV-79). Additional direction from Regional guides, Forest Service manuals and handbooks, Best Management Practices (BMP), and ID Team specialist reports was also considered in designing the project and is specified in the EA on pages 2-2. The following specific mitigation measures are part of the action alternative:

- All new noxious weed infestations associated with implementation will be treated.
- Herbicides will be applied for weed control before and after implementation within the project area.
- Weed spraying will be delayed on seeded areas until the vegetation has had one full growing season.
- All equipment will be cleaned before working off road.
- Any fuel will be stored outside of PACFISH/INFISH Riparian Habitat Conservation Areas (RHCA). Containment will be provided.

Alternatives Considered but Eliminated from Detailed Study

Several alternatives were considered during the planning process, but not analyzed in detail. These are described briefly below, along with the reasons for not considering them further.

Brushy Gulch New Road Construction

This was an alternative raised by the public to construct a new road off the Brushy Gulch road (Forest Service road #041) connecting to the Indian Creek road above the washout. This alternative was eliminated from further consideration as it did not meet the purpose and need of meeting the Idaho Supreme Court Ruling. It would entail the construction of approximately 2.5 miles of road on steep terrain at an estimated expense of \$150,000 to \$180,000. It would increase road density and would potentially increase road sediment runoff into streams. Depending upon the funding source it could take over 5 years to fund implementation.

Reconstruct road and stream to their original locations before the washout

This alternative was eliminated from further consideration as it entailed an unacceptable amount of resource damage along with a high risk of another road washout in the future. Over the last few years numerous onsite field reviews by Forest Service fish biologists and hydrologists and other Federal and State Agency biologists have concluded that the stream channel and streambanks through the washout area have stabilized to the point where there would be more resource damage caused by relocating the existing stream channel back to the pre 1997 washout location than there would be relocating the road on the hill slope above the existing stream channel.

Relocate first 3 miles of Indian Creek Road

This alternative would look at relocating approximately the first 3 miles of the Indian Creek road up out of the valley bottom and away from Indian Creek. This relocation would construct a road entirely on National Forest System Lands on the east side of Indian Creek. This alternative was eliminated from further consideration as it did not meet the purpose and need of meeting the Idaho Supreme Court Ruling. It would construct approximately 3 miles of a parallel road system on steep terrain at an estimated expense of \$180,000 to \$216,000. It would increase road density and would potentially increase road sediment runoff into streams. Depending upon the funding source it could take over 5 years to fund implementation.

Relocate 1 mile of Indian Creek Road above the Indian Creek Guest Ranch Private Property

This alternative would look at relocating approximately 1 mile of the Indian Creek road up out of the

valley bottom and away from Indian Creek east of the Indian Creek Guest Ranch. This alternative was eliminated from further consideration as it is outside of the jurisdiction of the Forest Service. It would construct approximately 1 mile of a parallel road system on steep terrain at an estimated expense of \$60,000 to \$72,000. It would increase road density and would potentially increase road sediment runoff into streams.

Replace the existing wooden bridge immediately down stream of the washout in conjunction with road reconstruction

This alternative would look at replacing the existing wooden bridge immediately down stream of the washout with a new stream crossing. This is Indian Creek stream crossing number five out of six on the Indian Creek road. This crossing is one of five Indian Creek stream crossings that do not meet the Idaho Legal Load Rating for large trucks. Stream crossing number three has approximately half the legal load rating as crossing number five. This alternative was eliminated from further consideration, as crossing number five is not the limiting factor for large truck access on the Indian Creek road. At this time it is unreasonable to replace bridge number five when bridge number three has approximately half of the legal load capacity of bridge number five. Bridge number five will be receiving the appropriate maintenance work to prevent the stream from scouring around the bridge abutment and allow for appropriate motorized use. Also, this alternative to replace bridge number five with a new bridge to Forest Service standards would require raising the road prism and bridge height five to six vertical feet. This new road prism would function as a dike across the natural floodplain. This would cause unreasonable environmental harm. There is a need in the future to assess all stream crossings on the entire Indian Creek road.

VI. RATIONALE FOR THE DECISION

My decision is based upon three principal criteria:

Consistency with Forest Plan goals, objectives, standards and guidelines. The Forest Plan, and the process used to develop it, represents agreements on the management and uses of the Salmon Forest among a wide variety of publics, agencies, American Indian tribes, organizations and individuals. It is a negotiated understanding with the public. I view the achievement of the desired conditions described by the Forest Plan for this area as a decision goal.

I have evaluated the alternatives considered and compared them to Forest Plan goals, objectives, and standards and guidelines for the Indian Creek Road Reconstruction Area. Several considerations pertaining to Forest Plan consistency are reflected in my decision. My decision for the Indian Creek Road Reconstruction activities is supported by the following Forest Plan references and narrative discussions:

Forest Management Goals describe how the Forest will be administered to assure long-term protection and utilization of resources for the people of the United States.

- Be responsive to public and private needs for use of National Forest land (Forest Plan, page IV-3).
- Develop and maintain a Forest Transportation system that provides safe, economical, functional, and environmentally sound access for managing and protecting the Forest resources

(Forest Plan, page IV-4).

Forest-Wide Direction provides management requirements that set the baseline conditions that must be maintained throughout the Forest in carrying out the Forest Plan.

Table 1.1 Management Requirements

Management Activities	General Direction	Standards & Guidelines
Transportation System Management (L01 & 20) Forest Plan (IV-62 thru 63)	4. Keep existing roads open to public motorized use unless: (LMP, page IV-64) <ul style="list-style-type: none"> A. Financing is not available to maintain the facility or manage the associated use of adjacent lands; B. Use causes unacceptable damage to soil and water resources; C. Use conflicts with other resource objectives for the area; D. They are located in areas closed to motorized use and are not “designated routes” in the Forest Travel Management Direction. E. Use results in unsafe conditions unrelated to weather conditions; or, F. There is little or no public need for them. 	a. Use the “R4 Technical Guide to Erosion Control on Timber Sales” as a guide for transportation systems, erosion prevention and control measures.
Local Road Construction and Reconstruction (L11 thru L13) Forest Plan (IV-65)	4. Construct and reconstruct local roads to provide access for specific resource activities such as campgrounds, trailheads, timber sales, range allotments, mineral leases, etc., with the minimum amount of earthwork.	a. Construction and reconstruction standards for local roads are: <ul style="list-style-type: none"> • Travel Speed – Average Less Than 20 MPH • Lanes – Usually single lane except for developed recreation sites • Surface – Varies from asphalt to native surface; majority native surface • Width – Typically 10 thru 14 feet. Turnouts optional depending upon traffic management • Drainage – Dips and culverts
Road Maintenance (L19) Forest Plan (IV-66)	1. Maintain all roads to the following minimum requirements: <ul style="list-style-type: none"> A. All arterial and open collectors – Level 3 B. All open local roads – Level 2 C. All closed roads – Level 1 	a. Level 1 maintenance includes upkeep of drainage structures and vegetation cover necessary to prevent erosion

Desired Future Conditions (DFC) are a description of the Forest, which is expected to result from implementation of the Forest Plan.

- A safe, functional, and environmentally sound transportation system will be developed (Forest Plan, page IV-93).

Relationship to environmental issues and public comments. Organizations and the general public submitted comments that provided insight on the issues associated with this project. I took a hard look at the issues and how they were addressed by each alternative. Public and organization comments helped me identify a reasonable range of alternatives, mitigation measures and design criteria requirements. Overall, comments from scoping and on the proposed action from the 30-day comment period provided me the necessary framework on which to base my decision.

One reason I chose to implement Alternative B is that it represents a reasonable resolution of the issues and public comments. A legal notice describing the proposal and seeking public comment was published in the *Salmon Recorder Herald* on April 3, 2003. A scoping letter dated May 8, 2003 was mailed to approximately 150 individuals, organizations and federal, State and local agencies, describing the proposed project and alternatives and requesting input on issues. A joint Forest Service and Lemhi County Commissioners Public meeting/open house was held in Salmon on May 22, 2003. Appropriate governments and government agencies were contacted, including the Shoshone-Bannock Tribes, U.S. Fish and Wildlife Service, NOAA Fisheries, and Idaho Department of Fish and Game. Field trips with representatives of NOAA Fisheries and the US Fish and Wildlife Service were conducted over the past several years. The proposal was described in the Salmon-Challis National Forest quarterly *Schedule of Proposed Actions*, which is mailed to approximately 125 individuals and organizations. The proposal was also posted on the Internet. The District Ranger met with the Lemhi County Commissioners at their May 12, 2003 public meeting and again along with two interdisciplinary team members at their December 22, 2003 meeting. During the County Commissioner meetings, Lemhi County asserted the continuing need to restore public access on the Indian Creek road. A legal notice describing the new project proposal and seeking public comment was published in the *Salmon Recorder Herald* on January 29, 2004. A notice and comment letter dated January 27, 2004 was mailed to 74 individuals, organizations and federal, State and local agencies, describing the new proposed project and alternatives and requesting input on issues. This letter also stated the EA is being completed under revised 36 CFR 215 appeal regulations, which became effective June 4, 2003.

All comments received during this 30-Day Notice and Comment period were reviewed and used to determine the issues analyzed in this EA.

During the extended scoping period the Forest received 62 written responses. Comments in the letters centered on access and impacts. Three major issues (*water quality, public access and safety, noxious weeds and fish and wildlife*) were identified from the public responses, agency input and field reviews by the ID team. The action alternative design and mitigation is responsive to these issues.

Appendix A to the EA provides a response to comments received during the 30-day comment period.

Compatibility with Other Agency and American Indian Tribe Goals

This was another important factor that drove my decision making process. Coordination and cooperation with FWS, NOAA Fisheries, SHPO, Lemhi County, and Shoshone-Bannock Tribe were considered in making my decision.

The Forest has been working with Lemhi County and Indian Creek private landowners to design a project that would restore motorized access on the Indian Creek road to the public, the private in holdings in the drainage, and to Forest Service administrative use. Lemhi County Commissioners are supportive of the selected alternative.

Prior to public scoping the FWS, NOAA Fisheries, SHPO, Idaho Department of Fish and Game and Shoshone-Bannock Tribe were contacted concerning the project. Biological Evaluations (BEs) and Biological Assessments (BAs) were prepared and Endangered Species Act consultation requirements with the FWS and NOAA Fisheries were met. Design Criteria and mitigation addresses concerns identified by the regulatory agencies and State Fish and Game. SHPO has entered into a Memorandum of Agreement (MOA) with the Forest regarding the management of cultural and historic resources in the project area. Tribal government from the Shoshone-Bannock was invited to sign and concur with the MOA. No specific comments on the Indian Creek Road Reconstruction Project were received from the Tribe.

Summary of Rationale

I decided to implement Alternative B because it best achieves the purpose and need while addressing the major issues and concerns. It will be consistent with Forest Plan goals, management direction and desired future condition for transportation system management and public access to National Forest system lands. This alternative restores public access on the Indian Creek road to public lands and private in holdings for recreation, emergency services, administrative use and resource management. Implementation of the alternative's project design features and mitigation measures will protect aquatic habitat, fishery resource values and native plant communities from potential adverse impacts from sediment delivery to Indian Creek and establishment of noxious weeds on disturbed soil on the project site.

My rationale for not selecting Alternative A is that without some kind of management action the Indian Creek road would remain closed as a public and administrative motorized through way for recreation, emergency services, resource management and private inholding access. Alternative A would not meet the purpose and need of the project proposal, nor Forest Plan goals or general direction for transportation system management and access for public motorized use, and the management and protection of forest resources.

VII. Finding Of No Significant Impact

My review of the analysis prepared by the ID Team indicates Alternative B responds to public concerns and is consistent with management direction in the Forest Plan. Provisions of 40 CFR 1508.27(b) indicate environmental significance must be judged in terms of the project context and intensity. I have determined it is not necessary to prepare an environmental impact statement for this project. My rationale includes:

Context

The effects of the proposed project are localized with implications for only the immediate area. Cumulative effects of past management, combined with the current proposal, and reasonably

foreseeable future actions for each resource are displayed in the EA under each of the resource's analysis. These effects were considered in my determination. The selected alternative is consistent with the management direction and standards and guidelines outlined in the Forest Plan. Therefore, regionally and nationally the Indian Creek Road Reconstruction project is not significant.

Intensity

- *Consideration of both beneficial and adverse impacts:* I considered beneficial and adverse impacts associated with the alternatives as presented in the EA. The overall impact of the selected alternative will have a minor beneficial effect, with no significant adverse impacts. Impacts from the selected alternative are not unique to this project. Previous projects involving similar activities have had non-significant effects. Therefore, I determined that the site specific and cumulative effects of the selected alternative are not significant.
- *Consideration of the effects on public health and safety:* This alternative will not significantly affect public health and safety. Road reconstruction is a common activity within this area of Idaho and local residents and seasonal visitors are accustomed to seeing these types of activities. This project does not involve national defense or security.
- *Consideration of the unique characteristics of the geographic area:* The selected alternative will not effect any unique areas, historic features, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no measurable effects to the characteristics of any Inventoried Roadless Areas. There is no measurable effect of this action on the wilderness potential of the area.

Based on this information, I conclude Alternative B will have no adverse effects on unique resources.

- *The degree to which the effects on the quality of human environment are likely to be highly controversial:* All actions to be implemented are similar in type and intensity to activities that have occurred in the recent past. Based upon my past experience on similar projects, I do not expect the effects of these actions on the quality of the human environment to be highly controversial. Although I anticipate this decision will not be acceptable to all, there is general public support for the selected activities. Therefore, I have determined that the effects as displayed in the EA and supporting documentation in the project file are not likely to be highly controversial.
- *The degree to which effects are highly uncertain or involve unique or unknown risks:* The selected alternative is similar to many past actions across the Forest and region, and its effects are reasonably expected to be similar. The road reconstruction activities involve common engineering practices and contractual requirements that have been used many times on similar sites. Based upon my knowledge of past actions and professional and technical knowledge and experience, I am confident that we understand the effects of these activities on the human environment. There are no unique or unusual characteristics about the area or selected alternative that would indicate an unknown risk to the human environment.

- *The degree to which this action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations:* The selected alternative is site specific to the Indian Creek Road Reconstruction project area and consistent with the Forest Plan. Therefore, this is not a decision in principle about future considerations and is not likely to establish a precedent for future actions with significant effects.
- *Consideration of the action in relation to other actions with individually insignificant but cumulative significant effects:* Cumulative effects analysis by resource area was conducted in the EA (pages 1-9 to 1-10 and in Chapter 3 under each of the resource's analysis. No significant effects were identified as a result of this analysis. Cumulative effects of the selected alternative and other past, ongoing and reasonably foreseeable activities are not expected to be significant due to protective measures developed in the project design features and application of Forest wide standards and guidelines. I have therefore determined that there are no significant cumulative effects associated with this project.
- *The degree to which the action may affect listed or eligible historic places:* This project meets federal, state and local laws for protection of historic places (Indian Creek Road Reconstruction project record). The MOA with SHPO and the Tribes provides mitigation measures such that the action will have no significant adverse effect on properties eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources.
- *The degree to which the action may affect an endangered species or their habitat:* BAs were prepared for the Indian Creek Road Reconstruction project area and are hereby incorporated into this decision document by reference. The BAs determined that the proposed activities will not jeopardize the continued existence of the nonessential experimental population of gray wolf and will have "no effect" on Canada lynx, bald eagle, bull trout, Snake River spring/summer chinook and Snake River Basin steelhead nor destroy or modify proposed or designated critical habitat for ESA listed fish species.

Federally listed threatened and endangered plants are not expected to occur within the project area (Indian Creek Road Reconstruction project record). If any federally proposed or listed animal or plant species are found at a later date or, if any new information relevant to potential effects of the project on these species becomes available, then the project would be stopped and the Section 7 consultation process, as per the Endangered Species Act of 1973, as amended, would be initiated. Due to the above findings and conclusions, I do not believe that Alternative B would have an effect on endangered or threatened species or their habitat.

- *Whether the proposed action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment:* Applicable laws and regulations were considered in the EA and project design. The action is consistent with the Forest Plan and meets NEPA disclosure requirements.

VIII. FINDINGS REQUIRED BY LAW, REGULATION, AND AGENCY POLICY

Numerous laws, regulations and agency directives require that my decision be consistent with their provisions. The following summarizes findings required by major environmental laws:

National Forest Management Act (16 USC 1600 et seq.)

NFMA and accompanying regulations require that several specific findings be documented at the project level. These are:

- *Consistency With Forest Plan (16 USC 1604(i))*: The EA discussed the Forest Plan and MA goals and objectives applicable to the Indian Creek Road Reconstruction project's decision area (EA, page 1-7). Based upon my Forest Plan references and discussion in Section VI, pages 7 - 10 of this document, I find the actions and activities described in the selected alternative are consistent with the Forest Plan. I have determined the actions are appropriate and needed to further the management goals, direction and desired future condition for the Forest.
- *Sensitive Species*: Federal law and direction applicable to sensitive species include NFMA and the Forest Service Manual (2670). In making my decision, I have reviewed the analysis and projected effects on all sensitive plant and animal species listed as possibly occurring on the Salmon National Forest [EA, pages 3-68 and Biological Evaluation (BE)]. I concur with the findings documented for these species in the Wildlife and Plant BE (project records), summarized here: individuals of the following Regional Forester's Sensitive animals are not expected to be impacted: boreal owl, Columbia spotted frog, flammulated owl, fisher, great gray owl, harlequin duck, northern goshawk, peregrine falcon, spotted bat, three-toed woodpecker, Townsend's big-eared bat, wolverine and sensitive plants are not expected to be impacted: Lemhi penstemon and flexible collomia. Alternative B is not expected to cause a trend toward federal listing of any of these animals or plants, nor is this alternative expected to affect population viability of any of these animals or plants (EA, pages 3-17 and 3-20).

The BE determined that the project will have no impact on the sensitive fish species, *westslope cutthroat trout*, or their habitat and will not contribute to a trend towards Federal listing or cause a loss of viability to the population or species (Indian Creek Road Reconstruction Fisheries BA/BE).

Clean Water Act and State Water Quality Standards

The integrity of the decision area's water and riparian features will be maintained as a result of the application of general Forest Plan standard and guidelines (Forest Plan, pages IV-43 to IV-46), Regional standards and BMPs as well as site specific protective design criteria (EA, page 2-2). Increased sediment delivery associated with road use will not be measurable. Watershed risk ratings will not change (EA, pages 3-6 to 3-7).

There are no 303(d) water quality limited stream segments or water bodies in the project area. The analysis also indicates that implementation of Alternative B will not produce appreciable effects on water quality or soil productivity.

Endangered Species Act (16 USC 1531 et. seq.)

As required by the Endangered Species Act (ESA), a wildlife BA was completed on January 12, 2004 and a fisheries BA was completed on March 15, 2004 addressing the potential impacts to threatened and endangered species utilizing the project area. The analysis concluded that Alternative B would not jeopardize the continued existence of the nonessential experimental population of wolves and any effects would be negligible or discountable. There would be no effect to Canada lynx and bald eagles. There would be no effect to Snake River spring/summer chinook, Snake River Basin steelhead, bull trout and their spawning and rearing habitat, and is not likely to destroy or modify designated or proposed critical habitat. No federally listed threatened and endangered plants are expected to occur in the project area. The proposed activities are consistent with all requirements of the Lynx Conservation Assessment and Strategy.

National Historic Preservation Act

I have consulted with SHPO pursuant to 36 CFR 800.14 implementing section 106 of the National Historic Preservation Act. Since no significant historic properties were identified, there would be no adverse effects in the project area from the action alternative and no further mitigation measures are needed. The SHPO has agreed with the site significance determination and finding of no effect for the project, February 9, 2004. Section 106 (NHPA) consultation for the project is complete. However, in the event cultural resources are discovered as a result of the project, all ground disturbing activities should cease immediately and the Forest Archaeologist should be notified so that the appropriate mitigation measures may be taken. In addition the Forest has consulted with the Shoshone-Bannock to determine if the project area contains properties of religious and cultural significance. To date, the Tribes have identified no specific uses or localities of concern within the analysis area. Based upon analysis in the Indian Creek Road Reconstruction project record I determined that there are no direct, indirect, or cumulative effects to heritage resources from implementation of Alternative B.

Invasive Species (Executive Order 13012)

This order directs that federal agencies should not authorize any activities that would increase the spread of invasive species. Mitigation included as part of the decision specifies prevention and treatment measures to control weed establishment and spread from project implementation.

Compliance with Other Laws, Regulations and Policies

I have considered the effects of this project on low income and minority populations and concluded that this project is consistent with the intent of the Environmental Justice Act of 1994, (EO 12898). The local community was notified of this project through the public participation process. This project was designed to contribute to the economic well being of regional and local communities by restoring motorized road access on the Indian Creek road to the public, the private landowners in the drainage, and to Forest Service administrative use.

IX. APPEAL PROVISIONS AND IMPLEMENTATION

This decision is subject to administrative review (appeal) in accordance with 36 CFR 215. Individuals or non-Federal organizations that submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. A notice of appeal must be in writing and clearly states that it is a Notice of Appeal being filed in pursuant to 36 CFR 215. The appeal must be filed (regular mail, fax, email, hand delivery, or express delivery) in writing to: Appeal Deciding Officer, William A. Wood, Forest Supervisor, Salmon-Challis National Forest; 50 Hwy. 93 South, Salmon, ID 83467, faxed to (208) 756-5555 or e-mailed to: appeals-intermtn-regional-office@fs.fed.us.

The office business hours for those submitting hand-delivered appeals are 7:45am through 4:30pm Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message plain text (.txt), rich text format (.rtf), or Word (.doc). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification. The Notice of Appeal, including attachments, must be filed with the Appeal Deciding Officer within 45 calendar days of the publication of the legal notice in the *Recorder Herald* newspaper, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the *Recorder Herald*, newspaper of record, is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

If no appeal is filed within the 45 day time period, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the last appeal disposition.

Detailed records of the environmental analysis are available on request. For more information contact Terry Hershey, Acting District Ranger, at (208) 865-2700, or Dan Garcia, IDT Leader at (208) 865-2722.

/s/ Terry Hershey
TERRY HERSHEY
Acting District Ranger

12/10/04
DATE

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